

National Assembly for Wales

[Business Committee](#)

June 2016

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



Amending Standing Orders: Standing Orders 11, 12 and 13 – The Wales Act 2017 and the Secretary of State for Wales

Purpose

1. In accordance with Standing Order 11.7(iv), the Business Committee is responsible for making recommendations on the general practice and procedures of the Assembly, including any proposals for the re-making or revision of Standing Orders.
2. The report recommends amendments to Standing Orders 11, 12 and 13. The changes agreed by Business Committee are found in Annex A, and the proposals for new Standing Orders are at Annex B.

Background

3. Sections 32 and 33 of the Government of Wales Act 2006 made certain provisions relating to the Assembly's relationship with the Secretary of State for Wales, and with UK Ministers more generally,

which were then reflected in the Assembly's Standing Orders. These provisions included the requirement that the Secretary of State participate in Assembly proceedings at least once a year as part of a consultation on the UK government's legislative programme.

4. These two Sections were repealed by the Wales Act 2017, and have not been in force since 31 March 2017. As a result, the Business Committee considered the impact of these changes on the Assembly's Standing Orders and makes the following proposals to the Assembly for changes to Standing Orders.

5. Business Committee first considered these issues in March 2017, and following consultation with groups, agreed in principle to the proposed changes on 13 June 2017.

Proposals for change

Availability of Documents

6. The current Standing Orders reflect the original requirements of the Act:

12.4 So far as is reasonably practicable, any documents provided for business taken in plenary meetings must be made publicly available.

12.5 Any documents referred to in Standing Order 12.4 must be made available to the Secretary of State for Wales at the same time as they are to Members.

7. In practice, no particular action has been taken to conform with this Standing Order. Because documents relating to Plenary are made available to the public as a whole at the same time as they are made available to Members, the issue of the Secretary of State not having access to them at the same time as Members does not arise. There would therefore be no practical purpose in retaining this Standing Order, and so it is proposed to remove it.

Secretary of State's Participation in Proceedings

8. In line with the previous requirements of Section 32 of the Act, Standing Order 13.3 states that:

The Secretary of State for Wales is entitled to participate in plenary meetings but not to vote. The Presiding Officer may call the Secretary of State to speak in any debate in which the Secretary of State is participating.

9. Whilst it is no longer a statutory requirement to make such provision, the Assembly could, if it wished, decide to retain the Secretary of State's entitlement to participate in Plenary meetings. However, no such provision exists in Scotland or Northern Ireland.

10. The Business Committee proposes that the Secretary of State's participation in Plenary be addressed via a new general provision that people other than Members may participate in Plenary proceedings at the Llywydd's invitation. Such a provision would allow the Secretary of State to participate in proceedings if invited, like anyone else, while removing their general right to do so. It is proposed that such participation would be for a specific purpose at the invitation of the Llywydd, following consultation with Business Committee, and would not include voting.

11. In the past, invited dignitaries other than the Secretary of State have addressed the Assembly on the record but outside formal Plenary business. This provision would enable invited non-Members to address the Assembly as a formal part of Plenary proceedings in future, removing the need for that distinction to be made.

UK Government's Legislative Programme

12. The repealed section 33 required the Secretary of State to participate in Assembly proceedings at least once a year as part of a consultation on the UK Government's legislative programme. As a result, a requirement that time be made available each year for a debate on the UK Government's legislative programme is included in Standing Order 11.21.

13. Whilst there is no longer a statutory requirement that the Assembly consider the UK government's legislative programme with the Secretary of State in attendance, the Assembly could retain the requirement to debate the UK government's legislative programme each year. However, it would not be clear what the purpose of such a debate would be, or who would lead it, as it would no longer be part of a statutory consultation by the Secretary of State.

14. The Business Committee therefore proposes that the requirement for a debate be removed from Standing Orders. A debate on the UK government's legislative programme could still take place should the government or opposition groups decide to schedule such a debate in their own time, or if individual Members tabled a motion and asked the Business Committee to make time available for it to be debated.

Action

15. The Business Committee formally agreed the changes to Standing Orders on 19 September 2017 and the Assembly is invited to approve the proposals at Annex B.

Annex A

STANDING ORDER 11 – ORGANISATION OF BUSINESS

Categories of Plenary Business

11.21	<p>Time must be made available in each Assembly year for debates on the following items of business:</p> <ul style="list-style-type: none"> (i) the UK Government's legislative programme (in accordance with section 33 of the Act); (ii) the policy objectives and legislative programme of the government; (iii) motions proposed on behalf of political groups who are not political groups with an executive role (and the time allocated to each political group for motions proposed by it must so far as possible be in proportion to the group's 	<p>Amend Standing Order</p> <p>Point (i) is removed to reflect the fact that section 33 of the Act has been repealed.</p> <p>While there will no longer be a statutory or Standing Order requirement for the Assembly to debate the UK government's legislative programme, such a debate could still be scheduled by</p>
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	<p>representation in the Assembly);</p> <p>(iv) motions proposed by any Member who is not a member of the government;</p> <p>(v) debates on reports laid by committees;</p> <p>(vi) Short Debates; and</p> <p>(vii) legislation where the Member in charge of the legislation is not a member of the government.</p>	the government or the Business Committee.
STANDING ORDER 12 – BUSINESS IN PLENARY MEETINGS		
Plenary Meetings		
12.4	So far as is reasonably practicable, any documents provided for business taken in plenary meetings must be made publicly available.	<p>No change</p> <p>This Standing Order is included for information.</p>

12.5	<p>Any documents referred to in Standing Order 12.4 must be made available to the Secretary of State for Wales at the same time as they are to Members.</p>	<p>Remove Standing Order</p> <p>This Standing Order reflects the requirement of section 32(2) of the Act, now repealed.</p> <p>Historically, no particular action has been taken to conform with this Standing Order, as documents relating to Plenary business are made available to the public as a whole at the same time as they are made available to Members. The issue of the Secretary of State not having access to them at the same time as Members does not therefore arise.</p>

STANDING ORDER 13 – ORDER IN PLENARY MEETINGS		
Rules of Debate		
13.3	<p>The Secretary of State for Wales is entitled to participate in plenary meetings but not to vote. The Presiding Officer may call the Secretary of State to speak in any debate in which the Secretary of State is participating.</p> <p><u>The Presiding Officer, having consulted the Business Committee, may invite any person to participate in a Plenary meeting for a specific purpose. An invited person may be called to speak, but may not vote.</u></p>	<p>Amend Standing Order</p> <p>The current Standing Order reflects the new repealed section 32(1) of the Act.</p> <p>It is proposed to replace the specific requirement regarding the Secretary of State with a general provision for the Presiding Officer,</p>

		<p>in consultation with the Business Committee, to invite any person to participate in proceedings.</p> <p>A number of non-Members have addressed the Assembly since 1999, on the record but outside formal Plenary business. On one occasion, the Assembly met as a Committee of the Whole Assembly to hear an address.</p> <p>The new provision would give a formal mechanism for non-Members to be invited to participate in Plenary meetings for a specific purpose at the Presiding Officer's invitation.</p>
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Annex B

STANDING ORDER 11 – ORGANISATION OF BUSINESS

Categories of Plenary Business

11.21 Time must be made available in each Assembly year for debates on the following items of business:

- (i) *[Standing Order removed by resolution in Plenary on XX XXXX XXXX]*
- (ii) the policy objectives and legislative programme of the government;
- (iii) motions proposed on behalf of political groups who are not political groups with an executive role (and the time allocated to each political group for motions proposed by it must so far as possible be in proportion to the group's representation in the Assembly);
- (iv) motions proposed by any Member who is not a member of the government;
- (v) debates on reports laid by committees;
- (vi) Short Debates; and
- (vii) legislation where the Member in charge of the legislation is not a member of the government.

STANDING ORDER 12 – BUSINESS IN PLENARY MEETINGS

Plenary Meetings

12.4 So far as is reasonably practicable, any documents provided for business taken in plenary meetings must be made publicly available.

12.5 *[Standing Order removed by resolution in Plenary on XX XXXX XXXX]*

STANDING ORDER 13 – ORDER IN PLENARY MEETINGS

Rules of Debate

13.3 The Presiding Officer, having consulted the Business Committee, may invite any person to participate in a Plenary meeting for a specific purpose. An invited person may be called to speak, but may not vote.